

## JOURNAL OF THE HOUSE.

Thursday, August 2, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, we try to begin each day with a sincere desire and intention to serve You and constituents to the best of our ability. Your gift of wisdom enables us to follow through and to remain faithful to these goals. Inspire us to be leaders who propose and endorse legislation and public policy issues which best serve our needs today and in the years ahead. May we have the patience to explain clearly to the electorate the present and future consequences of our choices.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of  
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Appointments of the Minority Leader.*

The Minority Leader announced that he had made the following appointments:

Covenant  
Fund.

That Ms. Polito of Shrewsbury had been appointed to the board of trustees established (under Section 4 of Chapter 61 of the Acts of 2007) for the Commonwealth Covenant Fund;

Retiree  
benefits.

That Mr. Stanley of Waltham had been appointed to the special commission established (under Section 82 of Chapter 61 of the Acts of 2007) to make an investigation and study of the liability for paying retiree health care and other non-pension benefits;

Campus  
violence.

That Mr. Peterson of Grafton had been appointed to the special task force established (under Section 83 of Chapter 61 of the Acts of 2007) to examine existing policies, procedures and programs and make recommendations to reduce and prevent incidents of campus violence;

Western  
counties,  
doctors  
treating  
women.

That Ms. Rogeness of Longmeadow had been appointed to the special commission established (under Section 85 of Chapter 61 of the Acts of 2007) to make an investigation and study of the accessibility and quality of doctors who specialize in the care of women in Berkshire, Franklin, Hampden and Hampshire counties.

Jails, etc.,  
services.

That Mr. Perry of Sandwich had been appointed to the special commission established (under Section 87 of the Acts of 2007) to study the existing level of services offered by the Department of Correction, county jails and houses of correction;

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

THURSDAY, AUGUST 2, 2007.

Resolutions (filed by Representatives Lepper of Attleboro and Poirier of North Attleborough) in recognition of William Hannan's six decades in journalism;

William  
Hannan.

Resolutions (filed by Mr. Linsky of Natick) congratulating Cary Michael Fatseas on receiving the Eagle Award of the Boy Scouts of America; and

Cary  
Michael  
Fatseas.

Resolutions (filed by Messrs. Spellane of Worcester, O'Day of West Boylston, Binienda of Worcester and Pedone of Worcester) commending Dwight Woodworth, Jr., for his dedication to the disabled and their rights in the community;

Dwight  
Woodworth, Jr.

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Turkington of Falmouth, joint petition (accompanied by bill, House, No. 4194) of Eric Turkington and Robert A. O'Leary (by vote of the town) for legislation to authorize the town of Tisbury to issue licenses for the sale of wine and malt beverages to certain restaurants. To the committee on Consumer Protection and Professional Licensure.

Tisbury,  
alcoholic  
beverages.

By Ms. Gifford of Wareham, joint petition (accompanied by bill, House, No. 4195) of Susan Williams Gifford and Marc R. Pacheco (by vote of the town) for legislation to authorize the town of Wareham to establish a community events fund from certain proceeds of the room occupancy tax and the parking meter fund. To the committee on Municipalities and Regional Government.

Wareham,  
community  
events.

By the same member, petition (accompanied by bill, House, No. 4196) of Susan Williams Gifford (by vote of the town) that the town of Wareham be authorized to make certain salary payments to Gary Lopes, an employee of said town and a member of the armed forces. To the committee on Public Service.

Wareham,  
Gary Lopes.

By Mr. Toomey of Cambridge, petition (accompanied by bill, House, No. 4197) of Timothy J. Toomey, Jr. (with the approval of the city council) relative to authorizing the city of Cambridge to place liens on real property located in said city for non-payment of local charges, fees or fines. To the committee on Revenue.

Cambridge,  
property liens.

By Ms. Peake of Provincetown, petition (accompanied by bill, House, No. 4198) of Sarah K. Peake (by vote of the town) relative to the awarding of contracts for the development of certain land in the town of Chatham. To the committee on State Administration and Regulatory Oversight.

Chatham,  
land develop-  
ment.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Binienda of Worcester, joint petition (subject to Joint Rule 12) of John J. Binienda and Edward M. Augustus, Jr., for legisla-

Local taxes,  
assessment.

tion to further regulate the assessment of property taxes in the cities and towns of the Commonwealth.

Patients,  
remediation  
programs.

By Mr. Donelan of Orange, petition (subject to Joint Rule 12) of Christopher J. Donelan relative to patient access information in the funding of individual remediation programs under the direction of the Board of Registration in Medicine.

Sports teams,  
self-control.

By Mrs. Haddad of Somerset, petition (subject to Joint Rule 12) of Patricia A. Haddad and others for legislation to establish a training program for the teaching of self-control by athletes participating on school and organized sports teams.

Motor vehicles  
fines,  
reimbursement.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill for legislation to reimburse certain operators of motor vehicles found innocent of charges for the illegal operation of such vehicles.

Michael  
Antonucci,  
sick leave.

By Ms. Flanagan of Leominster, joint petition (subject to Joint Rule 12) of Jennifer L. Flanagan and Robert A. Antonioni for legislation to establish a sick leave bank for Michael Antonucci, an employee of the Department of Correction.

Motorcycles,  
passengers.

By Mr. Pedone of Worcester, petition (subject to Joint Rule 12) of Vincent A. Pedone for legislation to regulate the age of passengers riding on motorcycles.

Grafton,  
water  
districts.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., for legislation to make certain changes in the Grafton Water District and the South Grafton Water District.

Severally, under Rule 24, to the committee on Rules.

#### *Papers from the Senate.*

##### *Bills*

Civic  
education.

Promoting a framework for civic education (Senate, No. 340) (on Senate, No. 345 and House, Nos. 404, 522, 554, 588, 592 and 3761);

Child passenger  
safety.

Relative to child passenger safety (Senate, No. 2018) (on a petition); and

Ipswich,  
alcoholic  
beverages.

Authorizing the town of Ipswich to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2269) (on Senate, No. 226) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

North Carver  
Water District.

A petition (accompanied by bill, Senate, No. 2308) of Marc R. Pacheco and Susan W. Gifford (by vote of the town) for legislation to establish the North Carver Water District, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Petitions were referred, in concurrence, as follows:

Medical  
proxies.

Petition (accompanied by bill, Senate, No. 2314) of Scott P. Brown and David Sherman for legislation relative to proxy medical decisions and guardians. To the committee on the Judiciary.

Nicholas G.  
Beram,  
veterans  
corner.

Petition (accompanied by bill, Senate, No. 2313) of Marian Walsh for legislation to designate a certain corner in the West Roxbury section of the city of Boston as the Nicholas G. Beram Veterans Association Corner. To the committee on Transportation.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7A be suspended on the petition of Demetrius J. Atsalis and Robert A. O'Leary relative to the retirement allowance of Louis Cataldo, a retired employee of the Barnstable County Sheriff's Office and retired chief of the police department of the town of Dennis. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the report was considered forthwith. Joint Rule 7A was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Dennis,  
Louis Cataldo.

By Mr. Scaccia of Boston, for the committee on Rules, that Joint Rule 7B be suspended on the joint petition of Eric Turkington and Robert A. O'Leary relative to conservation restrictions on certain parcels of land under the control of the town of Edgartown. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Edgartown,  
Pennywise  
Preserve.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Daniel E. Bosley for legislation to establish a creative economy council within the Executive Office of Housing and Economic Development. To the committee on Economic Development and Emerging Technologies.

Creative  
economy  
council.

Petition (accompanied by bill) of Joseph Pedorella relative to the classifications of risks and premium charges under the motor vehicle insurance laws. To the committee on Financial Services.

Motor  
vehicles,  
insurance.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Mariano of Quincy, for the committee on Financial Services, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3926) of James B. Eldridge and others relative to the licensing of providers of prepaid legal services plans,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure; and

Prepaid  
legal services.

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 937) of James B. Eldridge and others relative to the disclosure of certain information by the Disabled Persons Protection Commission,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities.

Disabled  
Commission,  
disclosures.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Schools,  
wellness  
program.

Suicide,  
study.

School  
nutrition.

Schools,  
commercialism.

Tick borne  
illness.

Group  
insurance,  
benefits.

Police/fire  
fighters,  
survivors  
insurance.

Orleans,  
retirees  
insurance.

Lexington,  
land.

Waltham,  
land.

Lowell,  
land.

Brookline,  
reservoir.

Probation  
officers.

Fluids,  
storage.

Public Safety,  
challenge  
course.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill to improve access to nutritious foods and physical activity (House, No. 2095).

By the same member, for the same committee, on a petition, a Bill relative to the study on methods to reduce incidents of suicide (House, No. 2165).

By the same member, for the same committee, on Senate, No. 1262 and House, No. 2168, a Bill to promote proper school nutrition (House, No. 4199).

By the same member, for the same committee, on House, No. 489, a Bill relative to the public health impact of commercialism in schools (House, No. 4200).

By the same member, for the same committee, on House, No. 3883, a Resolve establishing a special commission relative to tick borne illness (House, No. 4201).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill further regulating group insurance benefits for state employees and retired state employees (House, No. 2455).

By the same member, for the same committee, on a petition, a Bill providing health insurance coverage to the surviving children of police officers and firefighters killed in the line of duty (House, No. 2576).

By the same member, for the same committee, on the joint petition, a Bill validating certain health insurance premiums made by the town of Orleans (House, No. 4035).

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 58, a Bill authorizing the Commissioner of Capital Asset Management and Maintenance to transfer control of a certain parcel of land (House, No. 4202).

By the same member, for the same committee, on House, No. 59, a Bill authorizing the sale of a certain parcel of land in the city of Waltham to said city (House, No. 4203).

By the same member, for the same committee, on House, No. 3837, a Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4204).

By the same member, for the same committee, on House, No. 3942, a Bill authorizing the transfer of the former Fisher Hill Reservoir in the town of Brookline (House, No. 4205).

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to assistant chief probation officers, first assistant chief probation officers and probation officers in charge (House, No. 1742).

By Mr. Costello of Newburyport, for the committee on Public Safety and Homeland Security, on Senate, No. 1370 and House, No. 2403, a Bill relative to certain tanks used for the storage of fluids (House, No. 2403).

By the same member, for the same committee, on House, No. 2317, a Bill regulating challenge courses and climbing wall facilities by the Department of Public Safety (House, No. 4206).

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill further regulating the unfair retail sale of motor fuel at prices below cost (House, No. 3325).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Wagner of Chicopee, for the committee on Transportation, on a petition, a Bill designating a certain rest area in the town of Barnstable as the Korean War Veterans Memorial Rest Area (House, No. 3425, changed in section 1, by striking out the two sentences contained in lines 1 to 7, inclusive, and inserting in place thereof the following two sentences: "The department of highways shall erect a memorial marker in honor of Korean War veterans. Said marker shall be erected at the rest area located on US Route 6 eastbound at mile marker 70.3 in the town of Barnstable, which shall be designated and known as the Korean War Veterans Memorial Rest Area, in honor of the men and women who served and gave their lives in what has become America's forgotten war."). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### *Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Donna Towner, an employee of the Trial Court Department (see House, No. 4114), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

#### *Engrossed Bill.*

The engrossed Bill authorizing the town of Tisbury to incur debt for the purpose of removing overhead utilities and replacing the same with underground facilities (see House, No. 1996) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

The Senate Bill establishing appointed positions of district clerk and district treasurer for the Bernardston Fire and Water District (Senate, No. 1198), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

#### *House bills*

Authorizing the town of Natick to enter into a certain lease agreement (House, No. 3968) (its title having been changed by the committee on Bills in the Third Reading);

Motor fuel  
sales.

Barnstable,  
Korean War  
Veterans  
rest area.

Donna  
Towner,  
sick leave.

Bill  
enacted.

Third  
reading  
bill.

Third  
reading  
bills.

Third  
reading  
bills

Authorizing the town of Natick to borrow a certain sum of money (House, No. 3969) (its title having been changed by the committee on Bills in the Third Reading);

Relative to an additional liquor license in the city of Salem (House, No. 4148) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the conveyance of a certain parcel of land in the city of Boston (House, No. 4185);

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land to Sullivan McLaughlin, Inc. (House, No. 4186); and

Establishing a sick leave bank for Savina J. Whitney, an employee of the Department of Social Services (House, No. 4192);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

*Order.*

On motion of Mr. DiMasi of Boston,—

Next  
sitting.

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

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At twenty-seven minutes after eleven o'clock A.M., on motion of Mr. Smizik of Brookline (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.